

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

VIDEO GAMING TECHNOLOGIES, INC.,

Plaintiff,

vs.

CASTLE HILL STUDIOS LLC, *et al.*

Defendants.

CASE NO. 17-CV-00454-GKF-JFJ

JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES

Plaintiff Video Gaming Technologies, Inc. (“VGT”) and Defendants Castle Hill Studios LLC, Castle Hill Holdings LLC, and Ironworks Development LLC (collectively, “CHG”) jointly move for an extension of certain discovery deadlines set forth in the Court’s Amended Scheduling Order (Doc. 70). The requested extension will not affect any filing deadlines with the Court; instead, it only affects the deadlines for discovery cutoffs and expert reports.

Despite the parties’ diligent efforts in working towards the current deadlines, the remaining fact and expert witness discovery cannot reasonably be completed by the cutoff dates. The parties respectfully request that the Court extend the deadlines for fact discovery, opening expert witness identification and reports, opposition expert reports, reply expert reports, and expert discovery and state the following in support thereof:

1. The parties have and continue to produce, collectively, thousands of pages of written documents, and have exchanged numerous discovery requests.
2. The parties have, collectively, taken more than twenty depositions. These depositions have taken place throughout the country, including in Charlottesville, Virginia;

Chicago, Illinois; Lancaster, Pennsylvania; Nashville, Tennessee; Tulsa, Oklahoma; and Atlanta, Georgia. Lead counsel for both parties are located in Washington, D.C.

3. The parties have seven additional depositions scheduled for the week of July 9, 2018, which is the week leading up to the current fact discovery cutoff. Neither party's corporate designee has yet been deposed.

4. On January 4, 2018, the Court entered its initial Scheduling Order (Doc. 57).

5. On March 5, 2018, CHG filed a Motion to Extend Scheduling Order Deadlines requesting an extension of all deadlines set forth in the initial Scheduling Order (Doc. 63). VGT supported an extension of the pretrial deadlines, though a shorter extension than CHG requested (Doc. 65).

6. On March 12, 2018, the Court entered its Amended Scheduling Order extending by ninety days the deadlines for fact discovery, opening expert identification and reports, and opposition and reply to expert reports, among other deadlines (Doc. 70).

7. This is a complex case in which VGT alleges that CHG has infringed and/or misappropriated its trademarks, trade dress, trade secrets, and confidential business information. Despite the significant discovery the parties have already completed, the current scheduling order deadlines do not provide sufficient time for the parties to complete the exchange and review of documents, respond to written discovery, and conduct depositions.

8. Moreover, given the complexity of the case and the status of fact discovery, the current expert witness discovery period does not provide sufficient time to complete the drafting and exchange of multiple reports, opposition reports, and rebuttal reports, and to schedule and conduct expert depositions.

9. Additionally, the parties are currently engaged in several discovery disputes regarding alleged deficiencies' in each party's discovery responses or document production. The parties are attempting to resolve these disputes in good faith through written correspondence and through the meet and confer process without requesting court intervention. Regardless, solving these current discovery disputes will take more time than the current July 13, 2018 fact discovery deadline allows.

10. Consequently, the parties respectfully request that the Court extend by three weeks the current deadlines for fact discovery, opening expert witness identification and reports, and opposition and rebuttal reports; and extend by one week the current expert discovery cutoff.

11. Accordingly, the parties request that the Court modify the Amended Scheduling Order and issue new deadlines as follows, with all other existing deadlines remaining as is:

8-3-2018	Fact Discovery Cutoff
8-10-2018	Plaintiff/Defendants' Opening Expert Identification & Reports Under FRCP 26(a)(2)
8-31-2018	Plaintiff/Defendants' Opposition Expert Reports Under FRCP 26(a)(2)
9-14-2018	Plaintiff/Defendants' Reply Expert Reports Under FRCP 26(a)(2)
9-28-2018	Expert Discovery Cutoff

WHEREFORE, the parties respectfully request that the Court extend the deadlines set forth in its Amended Scheduling Order as set forth herein.

Dated: July 12, 2018

Respectfully submitted,

/s/ Gary M. Rubman (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2018, I caused a copy of the foregoing Joint Motion to Extend Scheduling Order Deadlines to be served on the following counsel for Plaintiff via email:

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